	Application No.	Applicant(s)
Notice of Allowability	09/711,691	NUEBLING ET AL.
	Examiner	Art Unit	
	Tam D. Tran	2676	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to *paper received 04/11/2005*.

2. ☒ The allowed claim(s) is/are *64-86*.

3. ☒ The drawings filed on *13 November 2000* are accepted by the Examiner.

4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☐ All   b)☐ Some*   c)☐ None   of the:

        1. ☐ Certified copies of the priority documents have been received.

        2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

        3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

    * Certified copies not received: _____ .

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

    (a)☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached

        1)☐ hereto or 2)☐ to Paper No./Mail Date _____.

    (b)☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of

       Paper No./Mail Date _____.

    Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)

2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)

3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____

4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

5. ☐ Notice of Informal Patent Application (PTO-152)

6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____ .

7. ☒ Examiner's Amendment/Comment

8. ☒ Examiner's Statement of Reasons for Allowance

9. ☐ Other _____ .

DETAILED ACTION

EXAMINER'S AMENDMENT

1.   An examiner's amendment to the record appears below. Should the changes

and/or additions be unacceptable to applicant, an amendment may be filed as provided

by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be

submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview

with Mr. Peter T. Holsen, Reg. No. 54180, on June 15, 2005.

2.   IN THE CLAIMS:

In claim 64, lines 10 – 17, **delete** " selecting a first data point along a current waveform

in the series of waveforms, the selected first data point having a representative X

coordinate, Y coordinate and Z coordinate,

identifying a first area between the current waveform and a second waveform in the

series of waveforms based upon the coordinates of the selected first data point,

applying a first predetermined color to the identified first area based on the amplitude of

the selected first data point. "

and replace with

- - automatically selecting a first data point along a current waveform in the series of

waveforms, the selected first data point having a representative X coordinate, Y

coordinate and Z coordinate,

automatically identifying a first area between the current waveform and a second

waveform in the series of waveforms based upon the coordinates of the selected first

data point,

automatically applying a first predetermined color to the identified first area if the

amplitude of the selected first data point is in a first range,

automatically applying a second predetermined color to the identified first area if the

amplitude of the selected first data point is in a second range, and

automatically applying a third predetermined color to the identified first area if the

amplitude of the selected first data point is in a third range. - -

3.   In claim 75, lines 8 – 14, **delete** " selecting a first data point along a current

waveform in the series of waveforms, the selected first data point having a

representative X coordinate, Y coordinate and Z coordinate,

identifying a first area between the current waveform and a second waveform in the

series of waveforms based upon the coordinates of the selected first data point,

applying a first predetermined color to the identified first area based on the amplitude of

the selected first data point. "

and replace with

- - automatically selecting a first data point along a current waveform in the series of

waveforms, the selected first data point having a representative X coordinate, Y

coordinate and Z coordinate,

automatically identifying a first area between the current waveform and a second

waveform in the series of waveforms based upon the coordinates of the selected first

data point,

automatically applying a first predetermined color to the identified first area if the

amplitude of the selected first data point is in a first range,

automatically applying a second predetermined color to the identified first area if the

amplitude of the selected first data point is in a second range, and

automatically applying a third predetermined color to the identified first area if the

amplitude of the selected first data point is in a third range. - -

Allowable Subject Matter

4.   Claims 64-86, are allowed.

5.   The following is a statement of reasons for the indication of allowable subject

matter:

The closest prior art shows displaying physiological patient data in a three-dimensional

representation but does not disclose colorizing the three-dimensional representation by

automatically selecting a first data point along a current waveform in the series of

waveforms, the selected first data point having a representative X coordinate, Y

coordinate and Z coordinate,

automatically identifying a first area between the current waveform and a second

waveform in the series of waveforms based upon the coordinates of the selected first

data point,

automatically applying a first predetermined color to the identified first area if the

amplitude of the selected first data point is in a first range,

automatically applying a second predetermined color to the identified first area if the

amplitude of the selected first data point is in a second range, and

automatically applying a third predetermined color to the identified first area if the

amplitude of the selected first data point is in a third range. The method colorizes area

between waveforms.

Conclusion

6.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to **Tam D. Tran** whose telephone number is

571-272-7793. The examiner can normally be reached on MON-FRI from 8:30 – 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, **Matthew Bella** can be reached on **571-272-7778**. The fax phone

number for the organization where this application or proceeding is assigned is 703-

872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for published

applications may be obtained from either Private PAIR or Public PAIR. Status

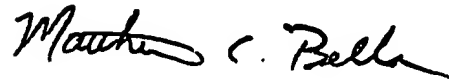information for unpublished applications is available through Private PAIR only. For

more information about the PAIR system, see http://pair-direct.uspto.gov. Should you

have questions on access to Private PAIR system, contact the Electronic Business

Center (EBC) at 866-217-9197 (toll-free).

Tam Tran

T T

Examiner

Art unit 2676

MATTHEW C. BELLA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600